

**HOFLAND & TOMSHECK**

Joshua Tomsheck, Esq.  
Nevada State Bar No. 9210  
JoshT@hoflandlaw.com  
228 South Fourth Street, 1<sup>st</sup> Floor  
Las Vegas, Nevada 89101  
Telephone: (702) 895-6760  
Facsimile: (702) 731-6910  
Attorney for Defendant

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP ALLERSON VAUGHN

Defendant

Case No.: 2:15-cr-00078-JAD-NJK

STIPULATION AND ORDER TO  
CONTINUE SENTENCING DATE,  
(THIRD REQUEST)

IT IS HEREBY STIPULATED, by and between the UNITED STATES OF AMERICA, by and through Daniel G. Bogden, United States Attorney, Dan Cowhig, Assistant United States Attorney, and Kathryn C. Newman, Assistant United States Attorney, and defendant, PHILLIP ALLERSON VAUGHN, by and through his attorney, Joshua Tomsheck, Esq., of the law firm of Hofland & Tomsheck, that the sentencing date in the above-captioned matter now scheduled for August 8, 2016 be vacated and continued to a date and time convenient to the Court, no sooner than thirty (30) days beyond the current setting, in order for the Parties to have sufficient time to prepare for sentencing in this matter.

This is the THIRD request by the undersigned defense counsel for a continuance of the scheduled sentencing date, is made in good faith and not for the purpose of delay and comports with the good cause requirements of Fed. R. Crim.

P. 32(b)(2).

1. Counsel for the Defendant is appointed CJA counsel.
2. Denial of this request for continuance would deny the parties herein time and the opportunity to effectively and thoroughly prepare for the sentencing hearing, taking into account the exercise of due diligence.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice.
4. Trial for codefendants in the matter of USA v. Frazier et al, 2:14-mj-00748-VCF, is set to start on August 22, 2016, which Defendant will be testifying in.
5. Counsel for Defendant will be in Elko, Nevada for a Sentencing in the Fourth Judicial District Court, Elko County, Department 2, State of Nevada vs. Davy Dworzak, FR-FP-15-0120 on August 8, 2016.
6. For all of the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing date.

**DANIEL G. BOGDEN**  
United States Attorney

**HOFLAND & TOMSHECK**

/S/ D. Cowhig  
**DAN COWHIG**  
Assistant United States Attorney

/S/ J. Tomsheck  
**JOSHUA TOMSHECK, ESQ**  
Counsel for Defendant

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v

PHILLIP ALLERSON VAUGHN

Defendant

Case No.: 2:15-cr-00078-JAD-NJK

FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

The parties have stipulated to continue the sentencing hearing date as presently scheduled.

This Court, being convinced that adequate showing has been made that were this request for continuance to be denied, counsel would not have the necessary time to effectively prepare for the sentencing hearing, taking into account the exercise of due diligence, and a miscarriage of justice could result, based on the following:

1. Counsel for the Defendant is appointed CJA counsel.
2. Denial of this request for continuance would deny the parties herein time and the opportunity to effectively and thoroughly prepare for the sentencing hearing, taking into account the exercise of due diligence.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice.
4. Trial for codefendants in the matter of USA v. Frazier et al, 2:14-mj-00748-VCF, is set to start on August 22, 2016, which Defendant will be testifying in.
5. Counsel for Defendant will be in Elko, Nevada for a Sentencing in the


1 Fourth Judicial District Court, Elko County, Department 2, State of Nevada vs. Davy  
2 Dworzak, FR-FP-15-0120 on August 8, 2016.

3 6. For all of the above-stated reasons, the ends of justice would best be  
4 served by a continuance of the sentencing date.

**ORDER**

IT IS HEREBY **ORDERED**, that the sentencing hearing currently scheduled for August 8, 2016 be vacated and continued to September 19, 2016 at the hour of 10:00 a.m.

ENTERED this 5 day of August, 2016.



United States District Court Judge